

# EXHIBIT 1

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF WESTCHESTER

INDEX NO:

LYNDA EDWARDS and )  
RICHARD EDWARDS, )  
 )  
Plaintiffs, )  
 )  
VS. )  
 )  
CYBEX INTERNATIONAL, INC., )  
 )  
Defendant. )  
\_\_\_\_\_ )

To the Person(s) Named as Defendant Above:

CYBEX INTERNATIONAL, INC.  
600 MAMARONECK AVENUE #400  
HARRISON, NEW YORK 10528

PLEASE TAKE NOTICE THAT YOU ARE HEREBY SUMMONED to answer the complaint of the plaintiffs herein and to serve a copy of your answer on the plaintiffs at the address indicated below within 20 days after the service of this Summons (not counting the day of service itself), or within 30 days after service is complete if the Summons is not delivered personally to you within the State of New York.

YOU ARE HEREBY NOTIFIED THAT should you fail to answer, a judgment will be entered against you by default for the relief demanded in the complaint.

Dated February 4, 2022.

Lynda Edwards and Richard Edwards,  
By Their Attorneys,

\_\_\_\_\_  
David Eltringham, Esq.  
New York Bar No.: 2918993  
233 S. Federal Highway, Suite 105  
Boca Raton, FL 33432  
561-338-0420  
[de@eltlaw.com](mailto:de@eltlaw.com)

CYBEX INTERNATIONAL, INC.  
600 Mamaroneck Avenue, #400  
Harrison, New York

Venue: Plaintiffs designate Westchester County as the place of trial. The basis of this designation is Defendant is a Domestic Business Corporation under the laws of the State of New York, with its principal office at 600 Mamaroneck Avenue, #400, Harrison, New York.

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF WESTCHESTER

INDEX NO:

\_\_\_\_\_  
LYNDA EDWARDS and  
RICHARD EDWARDS,

Plaintiffs,

VS.

CYBEX INTERNATIONAL, INC.,

Defendant  
\_\_\_\_\_

**COMPLAINT**

TO THE SUPREME COURT OF THE STATE OF NEW YORK

The Complaint of the Plaintiffs, LYNDA EDWARDS and RICHARD EDWARDS, respectfully shows and alleges the following:

**PARTIES**

1. The Plaintiff, Lynda Edwards, is a natural person with a usual place of residence in Ringwood, Passaic County, New Jersey.

2. The Plaintiff, Richard Edwards, is a natural person with a usual place of residence in Ringwood, Passaic County, New Jersey.

3. The Defendant, Cybex International, Inc. (hereinafter referred to as "Cybex"), is a Domestic Business Corporation under the laws of the State of New York, has a principal office at 600 Mamaroneck Avenue, #400, Harrison, New York.

**GENERAL ALLEGATIONS**

4. That at all times material hereto, Defendant manufactured and sold the Cybex leg press.

5. That on February 4, 2019, Plaintiff, Lynda Edwards, was injured while using the Cybex

Leg Press, in a foreseeable, intended manner and in the exercise of due care. At said time, Plaintiff was pressing weight, locked the weights in place, sat up on the machine to exit the machine, when the locking mechanism failed, and the weights fell on her head resulting in serious and permanent injuries.

6. Her injuries include, but are not limited to, concussion, brain damage, seizures, and cervical injuries necessitating therapy, surgery, continued treatment, and resulting in permanent injury and disability.

**COUNT I – NEGLIGENCE**  
**LYNDA EDWARDS V. CYBEX INTERNATIONAL, INC.**

The Plaintiff, Lynda Edwards, restates and realleges the averments contained in Paragraphs 1 through 6 and incorporates same by reference herein.

7. The Defendant was negligent in its design, manufacturing, warnings and instructions given concerning the Cybex Leg Press, including but not limited to its failure to properly design Cybex Leg Press so as to prevent Plaintiff, Lynda Edwards', injuries and also in its failure to properly instruct on its use and adequately warn of the danger associated with its use.

8. That in the years the Cybex Leg Press was manufactured, Defendant knew of, yet failed to warn consumers such as the Plaintiff of the dangers associated with the use of the Cybex Leg Press and similar products.

9. That as a direct and proximate result of Defendant's negligence described above, the Plaintiff, Lynda Edwards, was injured.

WHEREFORE, the Plaintiff, Lynda Edwards, demands judgment against the Defendant, Cybex International, Inc., together with interest and costs of this action.

**COUNT II – STRICT LIABILITY**  
**LYNDA EDWARDS V. CYBEX INTERNATIONAL, INC.**

The Plaintiff, Lynda Edwards, restates and realleges the averments contained in Paragraphs 1 through 6 and incorporates same by reference herein.

10. Defendant, Cybex, is in the business of designing, manufacturing, distributing and selling exercise equipment including the Cybex Leg Press described above.

11. That the Cybex Leg Press was in a defective condition and unreasonably dangerous when it left the control of the Defendant, Cybex.

12. That on February 4, 2019, at the time Plaintiff, Lynda Edwards, was injured, the Cybex Leg Press had not been altered, changed or modified from the condition it was in when it left Defendant, Cybex's control.

13. That at the time Plaintiff, Lynda Edwards, was injured, she was using the Cybex Leg Press in its intended manner.

14. That as a direct and proximate result of Defendant's actions and inactions described above, Plaintiff, Lynda Edwards, was injured.

WHEREFORE, the Plaintiff, Lynda Edwards, demands judgment against the Defendant, Cybex International, Inc., together with interest and costs of this action.

**COUNT III – EXPRESS WARRANTIES**  
**LYNDA EDWARDS V. CYBEX INTERNATIONAL, INC.**

The Plaintiff, Lynda Edwards, restates and realleges the averments contained in Paragraphs 1 through 6 and incorporates same by reference herein.

15. That Defendant, Cybex, did expressly warrant that the product described above was safe for use by persons such as Plaintiff, Lynda Edwards.

16. That Defendant breached said warranty by designing, manufacturing and selling a leg

press which they knew, or should have known was dangerously defective, and unsafe to use.

17. That Plaintiff's, Lynda Edwards, injuries were a direct result of said breach.

WHEREFORE, the Plaintiff, Lynda Edwards, demands judgment against the Defendant, Cybex International, Inc., together with interest and costs of this action.

**COUNT IV – IMPLIED WARRANTIES**  
**LYNDA EDWARDS V. CYBEX INTERNATIONAL, INC.**

The Plaintiff, Lynda Edwards, restates and realleges the averments contained in Paragraphs 1 through 6 and incorporates same by reference herein.

18. That Defendant, Cybex, is a seller of goods including the Leg Press described above, which caused Plaintiff's injuries.

19. That Defendant did impliedly warrant that the Leg Press described above was fit for the ordinary uses for which such goods are used, conformed to the promises or affirmations of fact made on the container, label or advertising, and in general that the Leg Press was merchantable and safe for use by persons such as Plaintiff, Lynda Edwards.

20. That Plaintiff's, Lynda Edwards, injuries were a direct result of Defendant's breach of the warranties described above.

WHEREFORE, the Plaintiff, Lynda Edwards, demands judgment against the Defendant, Cybex International, Inc., together with interest and costs of this action.

**COUNT V – MISREPRESENTATION**  
**LYNDA EDWARDS V. CYBEX INTERNATIONAL, INC.**

The Plaintiff, Lynda Edwards, restates and realleges the averments contained in Paragraphs 1 through 6 and incorporates same by reference herein.

21. Defendant, Cybex, is in the business of manufacturing, marketing and selling exercise equipment.

22. As part of its business, it made representations through its advertisements, instructions, labeling and sales language of material facts concerning the quality and properties of the Cybex Leg Press. These representations included but were not limited to assertions that this product was safe to use and posed no danger, that the product had a safety device/function which would prevent a person from being injured in the manner Plaintiff was injured, that this safety device/function was reliable and could be depended on.

23. That Plaintiff, Lynda Edwards, relied on the representations made by Defendant in using the Cybex Leg Press.

24. That as a direct and proximate result of Defendant's misrepresentations, Plaintiff, Lynda Edwards, was injured.

WHEREFORE, the Plaintiff, Lynda Edwards, demands judgment against the Defendant, Cybex International, Inc., together with interest and costs of this action.

**COUNT VI – VIOLATION OF US CONSUMER PRODUCT**  
**SAFETY ACT REPORTING REQUIREMENT**  
**LYNDA EDWARDS V. CYBEX INTERNATIONAL, INC.**

The Plaintiff, Lynda Edwards, restates and realleges the averments contained in Paragraphs 1 through 6 and incorporates same by reference herein.

25. The Cybex Leg Press as described above is defective and does create a substantial product hazard as defined by US Consumer Product Safety Act and the rules and regulations of

the US Consumer Product Safety Commission.

26. The Defendant failed to properly, timely and accurately advise the US Consumer Product Safety Commission that this product was defective and unreasonably dangerous resulting in Defendant's violation of the reporting requirements as set forth in 16 C.F.R. pt. 1115.

27. That as a direct and proximate result of Defendant's intentional, deceitful and purposeful failure to report to the US Consumer Product Safety Commission, Plaintiff was injured and is entitled to damages enumerated in the US Consumer Product Safety Act including reasonable attorney fees and costs incurred by the Plaintiffs.

28. That as a result of the negligence and the wrongful and unlawful conduct of Defendant, Plaintiff, Lynda Edwards, was caused to suffer severe and permanent injuries to her head; that she has suffered pain in the past and will suffer pain in the future; has incurred expenses for medical attention and hospitalization, and will incur further like expenses in the future; has suffered loss of earnings and loss of future earning capacity; has suffered loss of her enjoyment of living; and has suffered permanent injury and disability, all to her injury and damage.

WHEREFORE, the Plaintiff, Lynda Edwards, demands judgment against the Defendant, Cybex International, Inc., together with interest and costs of this action.

**COUNT VII – LOSS OF CONSORTIUM**  
**RICHARD EDWARDS VS. CYBEX INTERNATIONAL, INC.**

29. The Plaintiff, Richard Edwards, is the husband of Plaintiff, Lynda Edwards. The Plaintiff restates and realleges the averments contained in Paragraphs 1 through 35 and incorporates same by reference herein.

30. As the direct and proximate result of the Defendant's negligence, the Plaintiff has been and will be deprived of his wife's full society, care, comfort and consortium.

WHEREFORE, the Plaintiff, Richard Edwards, demands judgment against the Defendant, Cybex International, Inc., together with interest and costs of this action

**DEMANDS FOR RELIEF**

Plaintiffs, Lynda Edwards and Richard Edwards, demand judgment against the Defendant, CYBEX, for recovery of reasonable damages in an amount in excess of One Hundred Thousand (\$100,000) Dollars, together with interest thereon as provided by law, and for their costs and disbursements herein incurred, and for such other and further relief to which they may appear entitled and demand trial by jury on all issues.

Lynda Edwards and Richard Edwards,  
By Their Attorneys,

David Eltringham, Esq., Atty Reg # 2918993  
Eltringham Law Group, P.A.  
233 South Federal Highway, Ste. 105  
Boca Raton, FL 33432  
de@eltlaw.com  
(561)338 0420

Dated: February 2, 2022